IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION NO. 97 OF 2006

IN

CONTEMPT PETITION NO. 9 OF 2006

IN

WRIT PETITION NO. 3716 OF 1991

NARENDRAPRASAD MAGDHUM JAISWAL
& ANR. ..PETITIONERS

V/S

THE STATE OF MAHARASHTRA
& ORS. ..RESPONDENTS

MR. D. BAGWE I/B D.D. SINGH FOR PETITIONERS.

MRS. S.M. DANDEKAR FOR RESPONDENT NOS. 1 TO 3.

MS. JOSHI FOR RESPONDENT NO. 6.

MR. R. D'SOUZA FOR RESPONDENT NO. 5.

CORAM : S.K. SHAH, J.

DATE : 3RD MAY, 2007.

P.C.

1. Heard learned counsel on both sides. This is a Review Petition filed in the Contempt Petition. Contempt Petition was disposed of by order dated 15th September, 2006 with direction that the petitioner shall go to the concerned authority of

the BMC and take the possession of the said shop premises from the BMC and the BMC shall handover the possession of the shop premises to the petitioner within 4 weeks thereafter.

2. What is tried to be contended in the Review Petition is that what is offered is not in consonance with the order. That is disputed by the other side i.e. the builder. There was direction to the BMC to pass necessary order. The order has already been passed. In the order dated 15th September 2006 it has been observed that the learned counsel for the BMC made a statement that the BMC is ready to give possession of the shop premises to the petitioner. In the circumstances the Review Petition in the Contempt Petition is not tenable and secondly no dispute is tried to be raised in the Review Petition can be decided in Contempt Petition. The petitioner would be at liberty to take appropriate remedy available under the law for getting the dispute resolved. The Review Petition accordingly stands disposed of.

(S.K. SHAH, J.)